

REMARKS

In the Office Action, the Examiner rejected claims 8-10 and 17 under 35 U.S.C. § 112, second paragraph, as indefinite. The Examiner further rejected claims 1-17 under the judicially created doctrine of double patenting over co-pending application Serial No. 09/621,598 and application Serial No. 09/621,597.

By this Amendment, Applicant has amended claims 8 and 17 to clarify the language found objectionable under § 112 by the Examiner. Applicant has also submitted herewith a Terminal Disclaimer to obviate the double patenting rejections.

Claim 8 has been amended to more clearly recite that the area of weakness extends along the first tamper-evident structure. Claim 17 has been amended to clarify the steps of "providing" and "forming." In particular, claim 17 has been amended such that the body of the claim refers back to the particular structure culled out in the claim preamble. It is respectfully submitted that each of the pending claims fully complies with § 112, second paragraph.

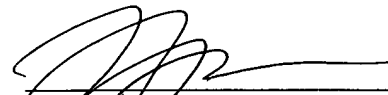
Applicant respectfully disagrees with the rejections under the judicially created doctrine of obviousness type double patenting. Applicant notes that these applications were filed on the same date and should have the same patent term. At least because patents granted from these applications will expire on the same date anyway, to avoid the administrative delay of appeal, and to expedite prosecution, Applicant has submitted a Terminal Disclaimer document to obviate the double patenting rejections with respect to applications Serial No. 09/621,598 and Serial No. 09/621, 597. Therefore, Applicant respectfully submits that claims 1-17 should be allowable.

Applicant respectfully requests reconsideration and a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 8 and 17 are amended as follows:

8. (Amended) The package according to claim 1, further comprising:
- (a) an area of weakness extending along the first tamper-evident structure.
17. (Amended) A method of making a package comprising a package body defining an interior; a zipper closure comprising a first mating profile and a second mating profile extending along a first edge of the package body, the zipper closure providing access to the interior; a slider device operably mounted on the zipper closure, the slider device interlocking the first mating profile with the second mating profile when the slider device is moved in a first direction and for disengaging the first mating profile from the second mating profile when the slider device is moved in a second opposite direction, and a tamper-evident structure at least partially encasing the zipper closure; the method comprising:
- (a) providing [a] the package body having an interior surface and defining a package interior;
 - (b) attaching [a] the zipper closure to the interior surface of the package body;
 - (c) mounting [a] the slider device onto the zipper closure;
 - (d) forming [a] the tamper-evident structure over the zipper closure and the slider device with the package body by:
 - (i) sealing the package body above the zipper closure;
 - (ii) forming an opening in the tamper-evident structure, at a first end of the tamper-evident structure, in which the slider device resides; the opening defined by the tamper-evident structure; and
 - (iii) providing an area of weakness within the tamper-evident structure.